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ONE HUNDRED SIXTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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INDEPENDENT

March 8, 2000

Beth Nolan  
Counsel to the President  
The White House  
Washington, D.C. 20500

Dear Ms. Nolan:

Yesterday, Committee attorneys interviewed a number of individuals who work on the White House e-mail system. What they told us was, to say the least, profoundly disturbing. As you are well aware, hundreds of thousands of e-mails sent to White House employees from outside the White House complex between September 1996 and November 20, 1998, have not been reviewed to determine whether they are responsive to Committee requests and subpoenas. Presumably, you have been aware of this fact for your entire tenure at the White House.

I have many concerns. First, there is an appearance that White House lawyers have made a conscious decision to do nothing to solve the problem posed by so many documents being improperly managed. Over the past three years, the Committee has issued a number of subpoenas to the White House. These have required production of relevant e-mails. After yesterday's interviews, I am aware of no effort on your part to effect a solution. I can only conclude that you are personally content with what is, in effect, a purposeful effort to keep documents from Congress, the Department of Justice, and various Independent Counsels. While it may serve a variety of political interests to do nothing, it does not serve the American people.

The President's response to questions about this issue last week was revealing. He said: "If the American people knew how much of their money we'd have to spend complying with requests for e-mails, they might be quite amazed, but we certainly have done our best to do that." This approach misleads on one front, and ignores an important reality on another. First, it is now apparent that the White House has made no effort to search the database of e-mails coming to most core White House employees from outside the White House for more than a two-year period. Thus, it is absurd to argue that "we've done our best." In fact, when it comes to this category of documents, you have done

nothing. Second, there is a law that requires Presidential records to be sent to the National Archives. It is unclear to me how you intend to comply with this law.

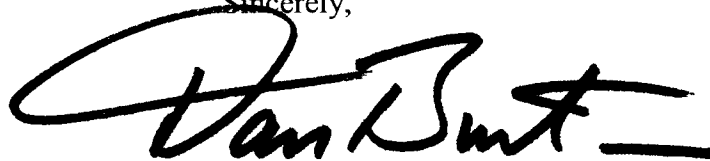
While I am under no illusion that it might be time consuming and expensive to reconstruct the e-mail records in question, I also am not prepared to accept the notion that the President and the White House do not have an obligation to obey the law. Indeed, if Attorney General Reno had made any real effort to conduct a thorough and vigorous investigation into the illegal fundraising matter, she would be first in line demanding compliance with document requests and the President would not be permitted the luxury of railing at Congress and the various Independent Counsel offices.

In March 1997, after two months of fruitless attempts to get the White House to respond to document requests about illegal campaign fundraising, I issued a subpoena. On June 27, 1997, after nearly having to hold the then-White House Counsel in contempt of Congress, I received a letter from your predecessor that all relevant documents had been produced. I am aware of no effort on the part of anyone at the White House once this matter was discovered to inform the Committee that incoming e-mails during a critical time period were never searched. I am also aware of no effort to conduct a retroactive search to ensure that critical information was not overlooked.

Last Fall, I issued two additional subpoenas to the White House. One pertained to the Waco tragedy, and the other requested information about the FALN/Macheteros clemency decision. Again, I am aware of no effort to conduct a search of the incoming e-mails for relevant information. I am also fully aware that no effort was made to inform the Committee that the White House did not even intend to address an entire category of information. These subpoenas remain in effect, and compliance is not optional.

I request that you meet with me as soon as possible to explain fully what you have done to address the problems presented by the e-mail debacle. Tomorrow I will send subpoenas for documents pertaining to this matter, and I request that you ensure that all relevant documents are preserved.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Burton", with a long horizontal line extending from the end of the signature.

Dan Burton  
Chairman